

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 5126 of 2007()

CMP.7714/2007 of J.M.F.C.-I,KOTTARAKKARA
[CRIME NO.26/2007 OF EZHUKONE EXCISE RANGE]
.....

PETITIONER

SHAJI, S/O THULASEEDHARAN,
SHEEJA BHAVAN, EZHUKONE MURI,
EZHUKONE VILLAGE, KOTTARAKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.5126 of 2007

Dated this the 22nd day of August 2007

O R D E R

Application for regular bail. The petitioner was allegedly engaged in transportation of 110 litres of arrack (11 x 10 containers) in an autorickshaw on 29/7/2007. He was arrested and continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. The learned Public Prosecutor submits that the State is obliged to oppose the application considering the nature of the operation and the quantity of the contraband article seized. The investigating officer is entitled for further time to complete the investigation in a serious crime like this. Bail may not be granted to the petitioner, submits the learned Public Prosecutor.

3. I find merit in the opposition by the learned Public Prosecutor. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin

satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court for trial at a later stage of investigation, not at any rate, prior to 31/08/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007